

Proceeding: **INQUIRY CONCERNING THE DEPLOYMENT OF ADVANCED TELECOMMUNICATIONS** Record 1 of 1
Applicant Name: **CAPABILITY TO ALL AMERICANS IN A REASONABLE AND TIMELY FASHI**
Campaign for Telecommunications Access
Proceeding Name: **98-146** Author Name: **Davud J. Newburger** 15300801
Lawfirm Name: **Newburger & Vossmeier**
Contact Name: **author_name** Contact Email: **david.newburger@counsel.com**
Address Line 1: **One Metropolitan Square, Suite 2400**
Address Line 2:
City: **St. Louis** State: **MO**
Zip Code: **63102** Postal Code:
Submission Type: **CO** Submission Status: **ACCEPTED** Viewing Status: **UNRESTRICTED**
Subject:
DA Number: Exparte Late Filed: File Number:
Calendar Date Filed: **09/15/1998 11:46:11 PM** Date Disseminated: Filed From: **INTERNET**
Official Date Filed: **09/15/1998** Date Released/Denied: Initials:
Confirmation # **1998915159150** Date Filed:

DOCKET FILE COPY ORIGINAL

INTERNET FILING

RECEIVED

SEP 15 1998

98-146
9/15/98
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

No. of Copies rec'd
List A B C D E

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)
)
Inquiry Concerning the Deployment of)
Advanced Telecommunications)
Capability to All Americans in a Reasonable) CC Docket 98-146
and Timely Fashion, and Possible Steps)
to Accelerate Such Deployment)
Pursuant to Section 706 of the)
Telecommunications Act of 1996)

TO: The Commission

COMMENTS OF CAMPAIGN FOR TELECOMMUNICATIONS ACCESS

David J. Newburger
Newburger & Vossmeier
Counsel for Campaign for
Telecommunications Access
One Metropolitan Square, Suite 2400
St. Louis, Missouri 63102
Voice/TDD: 314/436-4300
Telecopier: 314/436-9636

September 14, 1998

Summary

The Campaign for Telecommunications Access (the Campaign) works to assure that new telecommunications technologies will be available to, usable by, and affordable for all citizens, regardless of where they live and regardless of what disability or other condition they may have that is a barrier to their using some kinds of equipment. The participants in the Campaign are leaders and organizations that are substantially run, respectively, by older adults and people with disabilities and devoted to ensuring that older adults and people with disabilities--and all citizens for that matter--have the opportunity to live independent, productive lives and have the accommodations that allow them to be as fully integrated into the community as possible.

New telecommunications technology, when fully distributed to the citizenry and usable by and affordable for all, promises numerous new ways for older adults and people with disabilities--and all other citizens--to maintain their independence and lead productive lives. In order to ensure that all consumers have a chance to use fully existing and future telecommunications, the Campaign's foremost concern in the telecommunications re-regulation that has gone on over the past several years is this: Does each proposal guarantee that advanced technologies will reach, and current technologies will continue to reach, our constituents--geographically, technologically, and affordably--even though our constituents are spread all over America?

In this proceeding, that question translates into whether the Commission will make decisions that to bring broadband technology and other advanced telecommunications capabilities to people with disabilities, older adults, and all Americans as fast as possible.

The decisional process the Commission has indicated to date has the effect of slowing down the roll out of broadband technology to the general population, especially in rural America and inner cities where older adults and people with disabilities, among others, tend to live on their fixed and limited incomes.

A key example of that is proposals for the roll out of xDSL-type services. The Commission has suggested that local telephone companies only provide such services in a separate subsidiary or subject to the full panoply of telecommunications regulation. On its face that appears to put local telephone companies into competition with competitor service providers for business customers. Those companies will make whatever profit they can. Businesses and other high margin consumers will benefit from the new service. But, people with disabilities, older adults, inner city residents, rural citizens--the vast bulk of the residential market for that matter--will have to wait for the technology to "trickle down" if they are ever to participate in this aspect of the information revolution. The regulatory solution will produce the opposite of what is intended by § 706.

This problem created by this proposal may be ameliorated in at least two ways. First, the Commission may make the separation rules between parent and subsidiary sufficiently liberal to allow the subsidiary the advantages of the parent's economies of scale. Second, the parties may be willing to divide the xDSL business, having the portion competed for--to-wit, business customers--served through the subsidiary, but allowing the local telephone companies to sell directly and free of regulation to residential customers and others whom the competitor providers do not compete for in any event.

The Campaign suggests the Commission's role should be to foster and encourage innovation by all segments of the industry, placing special support on those segments that

will meet the needs of older adults, people with disabilities, and other residential consumers who may not be able to fight for themselves. In this context, the Commission should encourage companies that go the "last mile" to the residential curb--the local telephone, cable, and electric industries--to introduce various innovations to their customers.

Table of Contents

Summary	i
Table of Contents	iv
I. Introduction and Identification	1
II. The Source of the Campaign's Interest	2
III. The Core Issue	6
IV. The Point of § 706 Is To Foster the Roll Out of Advanced Telecommunications Capabilities to All Americans	7
A. The Problem with the Proposed Subsidiary Solution	7
B. Potential Solutions to the Problem	10
V. The Comparative Roles of Regulation and Free Markets in the Roll Out of Advanced Telecommunications Capabilities	12
VI. Conclusion	17

I. Introduction and Identification

The Campaign for Telecommunications Access (the Campaign) works to assure that new telecommunications technologies will be available to, usable by, and affordable for all citizens, regardless of where they live and regardless of what disability or other condition they may have that is a barrier to their using some kinds of equipment. The Campaign is composed of American Council of the Blind, Missouri Alliance of Area Agencies on Aging, Missouri Association for the Deaf, Missouri Council of the Blind, National Silver Haired Congress, Presidents' Club for Telecommunications Justice, and Paraquad, the latter being the independent living center located in St. Louis, Missouri, that assists people with all kinds of disabilities to integrate fully into society. The Campaign has filed comments in other proceedings of the Commission and participated in other telecommunications regulatory proceedings.

The participants in the Campaign are leaders and organizations that are substantially run, respectively, by older adults and people with disabilities and devoted to ensuring that older adults and people with disabilities--and all citizens for that matter--have the opportunity to live independent, productive lives and have the accommodations that allow them to be as fully integrated into the community as possible. In working to see that new and existing telecommunications technologies will be available to, usable by, and affordable for all citizens, the Campaign is an extension of that mission in the area of telecommunications.

II. The Source of the Campaign's Interest

New telecommunications technology, when fully distributed to the citizenry and usable by and affordable for all, promises numerous new ways for older adults and people with disabilities--and all other citizens--to maintain their independence and lead productive lives. The issue of what telecommunications services will be available, usable, and affordable affect a considerable portion of the Nation.

In 1996, 33 million Americans were 65 years of age or older. *Statistical Abstract of the United States*, 117th Edition, 48 (Berman Press 1997) [*Abstract*]. This category of older Americans will double by the year 2030. *Id.* at 17. See also, AARP, A Profile of Older Americans: 1995. This population shift will also affect the demographics of the labor force.

In 1996, adults age 65 and over represented 11.6 percent of employed persons, leaving 87.8 percent out of the employment pool. *Abstract* at 48.

An even larger pool of Americans have disabilities. The conservative estimate is that 15 percent of Americans have disabilities. H. Kaye, *Disability Watch: The Status of People with Disabilities in the United States* 11 (1997). That estimate is in part based on 1992 U.S. Census figures, which shows that 49 million people in America had disabilities at that time. President's Committee on Employment of People with Disabilities, *Profit from our Experience* (Oct. 1995). Only 31 percent of people with disabilities from ages 16 to 64 had jobs in 1994, while some 79 percent of people with disabilities who were not working wanted to work. *Id.*; National Organization on Disability, *Report* (Fall 1994). Among many other reasons given, 38 percent said they do not have the necessary education, training, or skills to get a job and 28 percent lacked accessible transportation.

Policymakers commonly ignore the need to assist older adults and people with disabilities to be in the mainstream of society, leaving these population segments underserved. For example, a Missouri study of the needs of older adults showed, among other things, that 67 percent of older Missourians who perceive a need for information services do not get it, 59 percent who perceive a need for elderly care information do not get it, 37 percent who perceive a need for transportation services do not get them. Missouri Department of Social Services, Division of Aging, *Needs Assessment Study, 1994 Statewide Report*.

Meanwhile, the recent update of its 1994 survey by the National Organization on Disability and Louis Harris Associates (NOD/Harris Survey) manifests that many Americans with disabilities are substantially left out of the mainstream of American life in jobs, education, transportation, and many other areas of daily life--and that their situation was the same or worse than that found in the 1994 survey. See <http://www.nod.org/presssurvey.html>. In a brief summary of the survey, NOD reports:

Among the most startling findings about the workforce, the research exposed significant gaps between the employment rates of the working disabled versus the working non-disabled. Only 29% of disabled persons of working age (18-64) work full or part-time, compared to 79% of the non-disabled population, a gap of 50 percentage points. Of those with disabilities of working age who are not working, 72% say that they would prefer to work.

Fully a third (34%) of adults with disabilities live in households with total income of \$15,000 or less, compared to only 12% of those without disabilities.

Approximately one in five (20%) of adults with disabilities have not completed high school compared to 9% of adults with no disabilities.

All this manifests that people with disabilities are disproportionately grouped in the poorer part of the American population. And a recent report by the National Telecommunications

and Information Administration (NTIA), entitled *Falling Through the Net II: New Data on the Digital Divide*, issued July 28, 1998, indicates that people with low income have historically and continue to have fewer telephones and computers. See <http://www.ntia.doc.gov/-ntiahome/net2/falling.html>. NTIA concluded that the "least connected" were rural poor, rural and central city minorities, young households, and female head of households.¹

¹Typically of many other studies and for reasons that appear rational though lamentable, the NTIA study did not collect information specifically about people with disabilities.

The fact that the older adult and disabled population are behind in obtaining telephone and computer services is made all the more poignant by the special promise that these technologies have for these segments of the population. The promise of present and future telecommunications very much affects the lives and independence of people with disabilities and older adults. Consider, for example, today's telecommunications technologies. Such things as Caller ID screens allow a deaf person to know who is calling even if the caller does not have the sense or knowledge to use a TDD or the Relay Service to call the deaf person. The deaf person can view the screen, return the call via the Relay Service if he² wants, and complete a communication that would have been impossible before the introduction of that technology. Meanwhile, other even newer technology voices the contents of the Caller ID screen, letting people who are blind--and others who just have their hands full--in on the benefits of Caller ID.

Consider, for example, the health and safety we entrust to the telecommunications systems. We assume a 911 call, or burglar alarm call to a monitor, or call to a medical care monitor will virtually always go through and go through the first time. Older adults live in their homes longer today, rather than moving into nursing homes, because they can rely on the telephone to call for help when they need it. The same is true of many people with disabilities.

This proceeding, however, is about tomorrow's telecommunications technologies. And they foretell even greater promise for the Campaign's constituents. Many of the

²Occasionally, in these comments, a male pronoun is used to reference a hypothetical individual. In such occasions, that pronoun is used in a generic sense to refer to a hypothetical individual of either gender.

problems people with disabilities and older adults face with obtaining education, transportation, jobs, health care, and other services will be assuaged or eliminated by the advanced telecommunications technologies that Congress encouraged in enacting the Act. Consider a few.

Telecommuting will allow people with transportation problems to stay in their homes and neighborhoods and work anywhere in the world. Telemedicine will allow people to remain home and independent even if they live some distance from their doctors. Distance learning will allow students to attend the university from their living rooms. People who lack the physical strength to pick up a book will be able to read books located around the world with the punch of a button.

Videoconferencing will allow deaf people to sign to one another. It will allow deaf students to attend any class and obtain deaf interpretation through a screen in the classroom and a remote interpreter located miles away. It will allow grandparents to watch their grandchildren grow even though they may live a continent or more apart.

The examples are inexhaustible. Two fundamental facts emerge. Advanced telecommunications technology will overcome serious transportation and communications barriers that today keep some people from being educated, trained, cared for, employed, out of nursing homes, and integrated into their communities. And, these advanced technologies often imply broadband solutions that allow quick transfer of massive amounts of data.

III. The Core Issue

The advances envisioned here will only work, however, if that advanced technology comes to all people with disabilities, older adults, and all Americans. Therefore, the Campaign's foremost concern in the telecommunications re-regulation that has gone on over the past several years is this: Does each proposal guarantee that advanced technologies will reach, and current technologies will continue to reach, our constituents--geographically, technologically, and affordably--even though our constituents are spread all over America?

In this proceeding, that question translates into whether the Commission will make decisions that to bring broadband technology and other advanced telecommunications capabilities to people with disabilities, older adults, and all Americans as fast as possible.

IV. The Point of § 706 Is To Foster the Roll Out of Advanced Telecommunications Capabilities to *All* Americans

1. The Problem with the Proposed Subsidiary Solution

President Franklin Delano Roosevelt--leader in the creation of the Communications Act along with the other host of New Deal legislation--often stated an underlying principle of our democracy:

Among American citizens, there should be no forgotten men^[3] and no forgotten races.

³In his time, it was customary to refer to all people with words of the masculine gender.

Speech to Howard University, October 26, 1936, *reprinted in* L. Halprin, *The Franklin Delano Roosevelt Memorial* 56 (1997). Congress acknowledged and pursued that policy in enacting the opening of § 706 in 1996, where it declared:

The Commission and each State commission with regulatory jurisdiction over telecommunications services shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to *all* Americans

[Emphasis supplied.]

Notwithstanding and for other reasons, the Commission to-date has implemented the Telecommunications Act of 1996 by fostering new competition regardless of competitors' proclivity to market to a targeted, as oppose to mass, customer base and by constraining existing local telephone companies in their roll out of new technologies (and in numerous other respects). The effect of this policy may be to foster competition in telecommunications sales to the business community. But, the practical effect of this policy is also to relegate the population of older adults, people with disabilities, and otherwise disadvantaged portions of the population to a second class status.

This is amply illustrated by the treatment the Commission gave several regional Bell operating companies' petitions for forbearance from regulating the roll out of xDSL service and related data and information services. As we all know, the Bell companies suggested that there is sufficient competition from cable modems, wireless, satellite service, and several other competitive offerings to permit the Bell companies' unregulated deployment of xDSL service. The Commission is apparently concerned that the Bell companies would, in such circumstances, "monopolize" the Bell companies own facilities in rolling out that technology and proposed allowing the Bell companies

to roll out the new technology on an unregulated basis--but only through a separate subsidiary. *See* CC Docket 98-147.

Regardless of the other justifications for that solution, the fact is that this solution has the effect of slowing down the roll out of xDSL technology to the general population, especially in rural America and inner cities where older adults and people with disabilities, among others, tend to live on their fixed and limited incomes. Why? First, it is a fact that competitor service providers target their services to prosperous markets to enhance their chances of success and profitability.

Next, according to at least some of the Bell companies, existing local telephone companies would have marketed the xDSL services broadly within their systems, were it not for the FCC's subsidiary constraint. Marketing so broadly without the subsidiary constraint would appear to have been feasible, because the existing telephone companies can use the economies of their scale to market more broadly.

Take a simply hypothetical example. Suppose that each ADSL customer requires 1 percent of a service crew's time each year to maintain the service. If there is a potential for one customer for ADSL service in, for example, Neosho, Missouri, then the local telephone company can meet that need by training its crew that is already in Neosho to do the additional ADSL service and keep the crew busy the rest of the year with other telephone service work. As a result, the local telephone company can at least solve the human resources demand for providing ADSL service to Neosho.

But, if the Commission requires the local telephone company to offer ADSL service only through a new subsidiary and forbids the subsidiary and parent from sharing

employees, then the subsidiary would have to assign a whole person for a whole year to Neosho to work 1 percent of the year. In such circumstances, the subsidiary could only offer ADSL service where it could sell ADSL services to at least 100 customers.⁴ The only rational solution then is for the local telephone companies to adopt the same strategy as the competitor service providers--target only to the concentrated market where they are assured of the highest profit.

In this context and assuming a substantial demand for xDSL-type services in all market strata, the local telephone companies and competitive service providers will compete for business and each profit from offering these services. Businesses and other high margin consumers will benefit from the new service. But, people with disabilities, older adults, inner city residents, rural citizens--the vast bulk of the residential market for that matter--will have to wait for the technology to "trickle down" if they are ever to participate in this aspect of the information revolution. The regulatory solution will produce the opposite of what is intended by § 706.

⁴We acknowledge that this hypothetical example is simplified beyond any real business case, but we suggest that it illustrates a point that materializes in the real business setting when the choice is made between allowing the local telephone company to roll out xDSL services, free from the regulation placed on local telephone service, directly or through a subsidiary. Some will say that the Commission's approach is to allow local telephone companies to roll out the service--it is just that they have to do that under the regime of the interconnection order and pricing (though determined by the States) under something akin to the TELERIC model. On the other hand, many will eschew that suggestion on various grounds, for example, that such interconnection arrangement is too litigious to justify rolling out a new enterprise, that TELERIC discounts prices too deeply, that a company would be acting contrary to the interests of its shareholders if it invested in plant that it would then have to share with its competitors at a discount, and so forth. Suffice it to say, the realistic choice for the local telephone companies seems to be, under current Commission pronouncements, to sell directly to consumers or through a subsidiary, but either way, free of regulation.

Moreover, the problem here is not one of subsidization that some in the Commission indicate that they would always want to eliminate. Here the issue is whether to allow the local telephone companies to take advantage of their own economies of scale. In the context in which competition comes from other industry segments--potentially cable, wireless, satellite, etc., it would seem that it is becoming time to let the local telephone companies take advantage of their own assets, just as the competitors take advantage of their own.

2. Potential Solutions to the Problem

The Campaign sees two ways to ameliorate the problem this regulatory proposal creates, while retaining what may be advantages to the subsidiary proposal. First, the Commission can allow intermingling of assets between the parent and subsidiary and simply require an appropriate accounting system and decisionmaking structure to separate to two sets of activities. If, for example, a service crew works on an ADSL client for one hour a week, its costs can be allocated to the subsidiary as that hour is a portion of a week. Such shared usage of personnel and capital should be permitted between the parent and subsidiary. Still, the subsidiary can have its independent board, independent books and records, and be operated as an independent profit center.

Second, the Commission might inquire whether the industry could work under circumstances in which local telephone companies would provide its ADSL services through a subsidiary for that segment of the market in which competitor service providers have a real interest--say, business customers or, maybe, business customers of some specified size--but be at liberty to provide those service to residential customers and perhaps others for which there are not legitimate competitors who want to provide the service using local telephone company facilities.

Whatever the solution, the Commission should not casually discount the advantages of ADSL-type technologies for older adults and people with disabilities. These are the technologies that will allow such people to live, work, and study independently and to have appropriate health care--in their own homes and neighborhoods. With statistics showing a 70 percent unemployment rate among people with disabilities and approximately 80 percent of those people wanting to work, it is clear that keeping advanced telecommunications from these populations is wasting human resources. And that is exactly what President Roosevelt warned us against:

No country, however rich, can afford the waste of its human resources. Demoralization caused by vast unemployment is our greatest extravagance. Morally, it is the greatest menace to our social order.
"Fireside Chat" by President Roosevelt, September 30, 1934, *reprinted in* L. Halprin, *supra*, at 55.

The Campaign respectfully suggests the Commission would not be doing its duty to the Nation if it does not find a way to encourage the roll out of advanced telecommunications capability to "all Americans."

V. The Comparative Roles of Regulation and Free Markets in the Roll Out of Advanced Telecommunications Capabilities

The foregoing argument might, but should not, be interpreted as suggesting the Commission should somehow get into the business of trying to force the roll out of new technology. Quite to the contrary, the Campaign is not arguing to require anybody to innovate, but is suggesting that part of the policy consideration of who should be empowered to innovate, when a choice exists between two industry segments, should, in part, depend on who in the consuming public will be the winners and who the losers if a given prospect for innovation is encouraged.

While it seems strange to interpret the Commission's process as choosing among industry segments who will be winners and losers in their efforts to innovate, the Campaign perceives that is exactly what has gone on in the current review of the roll out of xDSL technology. As the Campaign sees it, the following is occurring: The Commission wants to ensure competitor service providers will be able to sell broadband technology and therefore does not want the local telephone companies to dominate the market. As a result, by offering a Hobson's Choice between accepting a restrictive subsidiary requirement or full blown telephone regulation, the Commission threatens to constrain seriously the telephone companies' roll out of xDSL.

This, the Commission suggests, is acceptable, however, because it enables the competitor providers to sell such technology in the local telephone companies' markets. That gives business strength to the competitive providers. But, the competitive providers only find profit in selling the technology to their nonresidential customers. As a result, access to the xDSL technology for residential customers, and particularly those from rural areas or other less desirable locales, those with low incomes, many of those who are older adults and persons with disabilities is deferred to some "second phase"--to the indefinite tomorrow.

The Campaign suggests that the Commission's decisional process should start from the other direction. First, it should ask, What will it take to get advanced telecommunications capabilities to older adults, people with disabilities, rural and inner city citizens, and other less than wealthy population segments? The answer is encourage the companies that provide service to the residential curb--the local telephone, cable, and electric

industries--to introduce innovation to their customers. In this instance, that implies lightening considerably the regulatory burden on the local telephone companies.

Even so, that does not suggest that the Commission can direct these industries to solve the needs of people with disabilities and older adults forthwith. The Commission can facilitate and encourage the development of such technology, but it cannot realistically dictate the roll out of all the technologies people with disabilities and older adults can effectively use. The common problem is that, in seeking to break down the barriers to their full involvement in society, older adults and people with disabilities may require--read, have demand for--new technologies that broader and wealthier parts of the population do not. Still, those wealthier and broader segments of the population may develop a demand for a given new technology for substantially different reasons.

To illustrate this, consider the telephone itself. Society wanted the telephone for its convenience. At the time of its introduction, we had means for communication that seemed to work just fine. The telephone simply added convenience.

But, for people with disabilities it meant much more. A blind person who could not independently bus, buggy, or walk across town to visit with a relative or business associate, or who had substantial difficulty in doing so, could now communicate as he never could before--and, perhaps even more important, as well as everyone else.⁵ In that respect, that person who is blind became a fully enfranchised member of society.

⁵Indeed, more than one friend who is blind refer to the telephone as the "great equalizer," because, in telephone conversations, people who can see have no more visual cues than do people who are blind.

The significance of this observation is this: On the one hand, introduction of new technologies to society at large often eliminates barriers to access for people with disabilities and older adults. But, on the other, the new technologies would often not be introduced just to eliminate those barriers. It was because the wealthy and influential--and subsequently the general population--wanted telephones that the local telephone companies built them virtually everywhere, not because they were a great advantage to people who are blind. Still, the fact of virtually universal telephone service today is a great advantage for allowing people with disabilities and older adults to live independent and productive lives.

This experience promises to play again and again for the future. We know as a matter of fact today that some promised new technologies will significantly increase the opportunities for independence and productivity for older adults and people with disabilities. When advanced medical care can be delivered to people's homes and neighborhoods, many will be able both to obtain effective and prompt health care and to live at home and with their friends, family, and neighbors. When interactive video can be delivered to people's homes and neighborhoods, people will be able to advance their formal education, fully participating in reading, work assignments, class discussion, perhaps even laboratory experiments, all without having to overcome what are sometimes insurmountable transportation obstacles.

But, by the same token, until the newly introduced technologies are widely adopted throughout society, they are commonly of little use to people with disabilities. A video telephone is of no use as a classroom tool unless it is both in the classroom and in the neighborhoods where people with disabilities and older adults are found. Still, new

technologies will not spread among the populace unless there is demand for them by consumers at large. It is not regulation, but customer response, that dictates whether a product or service stays in the market. Regulation can, however, bar or slow establishment of a service or product in the market.

This reality dictates the strategy the Campaign argues for here. The Commission should not set up regulatory barriers that effectively preclude substantial industry segments--such as in this case the local telephone companies--from freely innovating and introducing various advanced telecommunications capabilities. This is especially so for companies like those, since it is they who are empowered to bring the innovations the "last mile" to the home.

In order to foster rapid introduction of technologies that will reduce or eliminate barriers to access for people with disabilities and older adults, we need to foster the rapid introduction of *all* benign new telecommunications technologies. We need to allow the marketplace to explore the utility of a new product or service as quickly as possible. By definition, regulation slows the introduction of technologies.⁶ By definition, the Commission should be strongly disposed in favor of forbearing from regulating new technologies' introduction.

⁶Regulation inherently implies that some decisionmaker other than the innovator will participate in the decision whether and/or how to introduce a new technology. As such, regulation inevitably implies there will be at least two review processes and two decisions--one by the business making the introduction and at least one by the

regulators. Two decisional processes, obviously, take more time than one.

In that regard, members of the Campaign were quite concerned with the Commission's prior action regarding implementation of § 706. For example, in ¶¶ 1266-68 of The First Report & Order In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Docket No. 96-325, 11 FCC Rcd 15499, released August 8, 1996, the Commission declined to include in its decision attention to innovation in the telecommunications industry. The Campaign draws the Commission's attention to that troublesome decision. The Campaign hopes that the Commission has no intention to relegate innovation in telecommunications technology to a second class consideration. The Campaign suggests that one of the most important things the Commission can do for all Americans, including, importantly, people with disabilities and older adults, is to implement policies that foster the quick and easy roll out of new telecommunications technologies.

To some extent, the very existence of this proceeding may obviate concern with the Commission's previous order, although the decisions in CC Docket 98-147 still go down a troublesome path. Regardless, the Campaign strongly urges the Commission to empower the local telephone companies to freely innovate and introduce advanced telecommunications capabilities, just as the Campaign would encourage for all other segments of the industry.

VI. Conclusion

Someday broadband services will be delivered to Americans by a variety of systems and a variety of competitors. When that happens, the Campaign will be back here, or in Congress, or in corporate headquarters to press for guarantees that these broadband technologies will reach all people with disabilities, all older adults, all Americans--geographically, technologically, and affordably--even though they are spread all over America.

Today, the Campaign says let the roll out of this xDSL technology begin in earnest, right away. It says some have to have the technology before all can. It says the Commission should local telephone companies offering the service.

Respectfully submitted,

David J. Newburger
Newburger & Vossmeier
Counsel for Campaign for
Telecommunications Access
One Metropolitan Square, Suite 2400
St. Louis, Missouri 63102
Voice/TDD: 314/436-4300
Telecopier: 314/436-9636